



EMPLOYMENT TRIBUNALS

Claimant: Mr G Pryma

Respondent: Transparent Trading Limited trading as “The Ship Pub”
(in voluntary liquidation)

Heard at: East London (by Cloud Video Platform)

On: 26 June 2023

Before: Employment Judge Brewer

Representation
Claimant: In person
Respondent: No attendance

JUDGMENT

The claimant’s claim for unpaid wages is dismissed as the Tribunal does not have jurisdiction to hear it.

REASONS

Introduction

1. This is a claim for unauthorised deductions from wages made by the claimant.
2. The respondent is in voluntary liquidation and did not attend the hearing. The claimant attended in person.

Issues

3. In relation to the issues in the case, the claimant was informed that although the claim had been accepted for hearing, the issue of time limits was to be addressed.
4. In that case, the issues were:

- a. was the claim submitted within three months of the unauthorised deduction,
 - b. if not, was that because it was not reasonably practicable for the claim to have been brought in time and,
 - c. if so, was the extra time taken reasonable?
5. For reasons which follow I will not set out the issues in a claim for unauthorised deductions from wages.

Law

6. In relation to the law, in a claim for unauthorised deductions from wages the normal time limit for presenting a claim is 3 months from the date of the deduction or the last date in a series of deductions. The last possible date for a deduction in this case is the date for claimant left his employment.
7. The time limit is extended by early conciliation but that is not relevant to this claim because the normal time limit expired before the claimant commenced early conciliation.
8. The test I have to apply is to determine whether it was not reasonably practicable for the claim to have been presented in time and if I am satisfied that it was not, whether the extra time taken was reasonable. If it was reasonably practicable for the claim to have been presented in time, then the claim was presented out of the time and the Tribunal does not have jurisdiction to hear it

Findings of fact

9. The claimant confirmed that was employed from 27 July 2021 until 4 May 2022 as a chef. The claimant confirmed that this was the effective date of termination of his employment (EDT).
10. The claimant confirmed that he contacted ACAS for early conciliation on 14 November.
11. The claimant received his early conciliation certificate on 14 December 2022.
12. The claimant presented his claim to the Tribunal on 24 December 2022.
13. Based on an EDT on 4 May 2022, the last day for the claimant to submit his claim in time for unauthorised deductions from wages was 3 months from that date, that was 3 August 2022, subject to any extension for early conciliation. As the claimant did not contact ACAS until after the expiry of the normal 3-month time limit for bringing his claim, he does not benefit from any extension for early conciliation of that normal 3-month time period.

14. As to the reason for delay in presenting his claim, the claimant said that he delayed presenting his claim as he hoped the respondent would pay him. The respondent did not pay and thus he presented his claim, but it was considerably out of time.

Decision

15. There being no reason for the delay other than the claimant not pursuing the claim in the hope of payment, I conclude that it was reasonably practicable for the claim to have been presented in time and thus the claim was presented out of time and therefore the Tribunal does not have jurisdiction to hear the claimant's claim and it is accordingly dismissed.

**Employment Judge Brewer
Date: 26 June 2023**